



**U.S. Department of Justice**

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**PRESS RELEASE**  
***BENALLY SENTENCED TO 57 MONTHS  
IN FEDERAL PRISON FOR  
ASSAULT ON A FEDERAL OFFICER***

SALT LAKE CITY -- Kerry Dean Benally, age 38, of White Mesa, convicted by a jury of forcibly assaulting a Bureau of Indian Affairs officer with a dangerous weapon, has been sentenced to 57 months in prison.

U.S. District Judge Dale Kimball issued the sentence Thursday afternoon.

Benally was arrested following an April 14, 2007, incident on Ute Mountain Ute White Mesa land in Utah. According to court records, the BIA officer was attempting to arrest Benally when the assault took place. The officer was struck with a black metal object while Benally was attempting to pull the officer's firearm from its holster.

After the struggle, the officer drew his weapon and Benally fled on foot. He was later arrested.

A jury found Benally guilty of assault following a trial in October 2007. The next day, one of the jurors came forward with a charge that the jury deliberations had been tainted by racial bias and other inappropriate considerations. The trial judge ruled that evidence of juror misconduct was

sufficient to warrant a new trial. The 10<sup>th</sup> Circuit Court of Appeals ultimately overturned the trial judge's decision and reinstated the conviction. The U.S. Supreme Court declined to consider the case.

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